

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

RONNIE BYRD, JR.,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 1:11-0061
)	Judge Trauger
LUKE TYSON, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On June 8, 2012, the defendants filed a Motion For Summary Judgment (Docket No. 48), which the Magistrate Judge allowed to be filed one day late (Docket No. 72). The Magistrate Judge had entered a Scheduling Order on October 7, 2011 that stated, in part:

Plaintiff is forewarned that dispositive motions must be responded to within **30 days** unless an extension is granted by the Court, and that failure to respond to the motion and to statements of facts may result in the Court taking the facts alleged in the matter as true and granting the relief requested. In responding, plaintiff may not just rely on his complaint. Plaintiff must show there is a material dispute of fact with citation to the record, affidavits or other matter of evidence.


Docket No. 23 at 3-4) The plaintiff did not respond to the defendants' Motion For Summary Judgment within 30 days of its filing. And, on August 7, 2012, the Magistrate Judge issued a Report and Recommendation, recommending that the motion be granted and that all claims be dismissed. (Docket No. 75) Instead of filing objections to the Report and Recommendation, the plaintiff filed a "Response to Respondent's Motion For Summary Judgment" on August 23, 2012 (Docket No. 78), some month and one-half late, with no explanation for his failure to file a timely response. The court will not consider this late-filed response. Even if the court construed this document as objections to the Report and Recommendation, those objections are without

merit and do not help his cause.

The Report and Recommendation is therefore **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, it is hereby **ORDERED** that the defendants' Motion For Summary Judgment (Docket No. 48) is **GRANTED**, and all claims by the plaintiff against all defendants are **DISMISSED WITH PREJUDICE**.

It is so **ORDERED**.

ENTER this 12th day of September 2012.



Aleta A. TRAUGER
U.S. District Judge